

AMENDED IN SENATE APRIL 11, 2012

SENATE BILL

No. 1154

Introduced by Senator Walters

February 21, 2012

An act to ~~amend Section 60422.1 of~~ *add Section 60063 to the* Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 1154, as amended, Walters. Instructional materials: ~~electronic~~ *digital* format.

Existing law requires the State Board of Education to adopt at least 5 basic instructional materials in specified subject areas for use in kindergarten and grades 1 to 8, inclusive, for district boards, as defined. Existing law also requires the governing board of each school district maintaining one or more high schools to adopt instructional materials that meet specified criteria for use in the high schools under its control.

Existing law requires a publisher or manufacturer of instructional materials to provide to the state, at no cost, computer files or other electronic versions of each state-adopted literary title and the right to transcribe, reproduce, modify, and distribute the material in braille, large print if the publisher does not offer a large print edition, recordings, American Sign Language videos for the deaf, or other specialized accessible media exclusively for use by pupils with visual disabilities or other disabilities that prevent use of standard instructional materials.

~~Existing law authorizes a local governing board, as defined, to use funding received from the state for instructional materials to purchase state-adopted instructional materials for kindergarten and grades 1 to 8, inclusive, and state standards-aligned materials for grades 9 to 12, inclusive, in an electronic or hardbound format if it can ensure that each~~

pupil will be provided with a copy of the instructional materials to use at school and at home.

~~This bill would require a publisher or manufacturer of instructional materials to provide, at no cost, an electronic copy of instructional materials that a district board purchases in a hardbound format. The bill would authorize a district board to electronically reproduce, for instructional use only, an electronic copy provided by a publisher or manufacturer of instructional materials. The bill also would authorize a district board to enter into an agreement with a program improvement local educational agency by which the district board may share with that local educational agency the electronically reproduced copies of instructional materials.~~

This bill would require a publisher or manufacturer submitting an instructional material or supplemental instructional material for adoption by the state board or the governing board of a school district to, among other things, offer the instructional material in both print and equivalent digital formats, and to provide to a school district, at no cost, an equivalent digital format of a purchased print textbook that may be used to create a districtwide online digital database for classroom use, if the school district implements a system of online security to ensure the protection of copyright-protected material. The bill would exempt from these requirements small publishers and small manufacturers of instructional materials, as defined.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 60063 is added to the Education Code,
- 2 to read:
- 3 60063. (a) A publisher or manufacturer submitting an
- 4 instructional material or supplemental instructional material for
- 5 adoption by the state board or the governing board of a school
- 6 district shall do all of the following:
- 7 (1) Offer the instructional material in both print and an
- 8 equivalent digital format.
- 9 (2) Offer the supplemental instructional material in both print
- 10 and a digital format.

1 (3) *Offer the digital instructional material or supplemental*
2 *instructional material as unbundled elements, to enable the digital*
3 *material to be purchased in sections or components.*

4 (4) *Provide to a school district, at no cost, an equivalent digital*
5 *format of a purchased print textbook that may be used to create a*
6 *districtwide online digital database for classroom use, if the school*
7 *district implements a system of online security to ensure the*
8 *protection of copyright-protected material.*

9 (b) (1) *The requirements of this section shall not apply to a*
10 *small publisher or small manufacturer of instructional materials.*

11 (2) *For purposes of this subdivision, “small publisher“ and*
12 *“small manufacturer” mean an independently owned or operated*
13 *publisher or manufacturer, that, together with its affiliates, has*
14 *100 or fewer employees and average annual gross receipts of ten*
15 *million dollars (\$10,000,000) or less over the previous three years.*

16 (c) *This section does not authorize the use of instructional*
17 *materials that would constitute an infringement of copyright under*
18 *the federal Copyright Revision Act of 1976, as amended (17 U.S.C.*
19 *Sec. 101 et seq.).*

20 ~~SECTION 1. Section 60422.1 of the Education Code is~~
21 ~~amended to read:~~

22 ~~60422.1. (a) Notwithstanding any other law, a district board~~
23 ~~may use funding received pursuant to this chapter to purchase~~
24 ~~state-adopted instructional materials for kindergarten and grades~~
25 ~~1 to 8, inclusive, and state standards-aligned materials for grades~~
26 ~~9 to 12, inclusive, in an electronic or hardbound format if it can~~
27 ~~ensure that each pupil will be provided with a copy of the~~
28 ~~instructional materials to use at school and at home. However,~~
29 ~~providing access to the materials at school and at home does not~~
30 ~~require the local educational agency to purchase two sets of~~
31 ~~materials.~~

32 ~~(b) A publisher or manufacturer of instructional materials shall~~
33 ~~provide, at no cost, an electronic copy of instructional materials~~
34 ~~that a district board purchases in a hardbound format. A district~~
35 ~~board may electronically reproduce, for instructional use only, an~~
36 ~~electronic copy made available pursuant to this subdivision. A~~
37 ~~district board may enter into an agreement with a local educational~~
38 ~~agency identified as a program improvement local educational~~
39 ~~agency under the federal No Child Left Behind Act of 2001 (20~~
40 ~~U.S.C. Sec. 6301 et seq.) by which the district board may share~~

- 1 ~~with that local educational agency the electronically reproduced~~
- 2 ~~copies of instructional materials.~~

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